

# Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108  
Grapevine, Texas 76051  
Ph. 817-424-3672 Fax 817-424-3692  
Toll Free 866-4MEDREC

For: Nate Richards  
Ferguson & Associates, LLC  
62 Main Street, Suite 310  
Colleyville, TX 76034

Records on: Brian H. Frazier

Records Location: Gongloff Piechowiak Law, PLLC  
Type/Scope: ATTORNEY FILE

Your file: Frazier v Anson  
Cause No. 342-288776-16

Records thru: 10/03/2018

---

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

---

Copies of this record have been ordered by the following counsel(s):

Discovery Records File No. 187177

Volume I

# Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108  
Grapevine, Texas 76051  
Ph. 817-424-3672 • Fax 817-424-3692  
Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

## NOTICE OF INTENTION TO TAKE DEPOSITION BY WRITTEN QUESTIONS

To: Plaintiff(s), by and through their Attorney of Record:  
Caleb Moore  
2205 Martin Drive  
Suite 200  
Bedford, TX 76021  
817-934-7944 Fax 817-581-2540  
And the witnesses as identified in the attached deposition(s)

You will please take notice that after (20) days from the service of a copy hereof with attached questions, a deposition by written questions will be taken of the witness: CUSTODIAN OF CASE FILE RECORDS FOR:

Gongloff Piechowiak Law, PLLC  
1701 West Northwest Highway, Suite 100  
Grapevine, TX 76051 682-651-8158

Before a Notary Public, or other Officer authorized to administer oaths, with Discovery Records Inc, 1290 S. Main Street, Suite 108, Grapevine, Texas 76051, or their designated agent; at the office of the summoned witness.

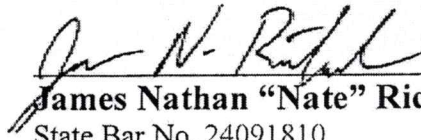
Which deposition with attached questions and exhibits may be used in evidence upon the trial of the above styled and numbered cause pending in the above named court. Notice is further given that request is hereby made as authorized under **Rule 200, Texas Rules of Civil Procedure**, to the Officer authorized to take this deposition to issue a **Subpoena Duces Tecum** and cause it to be served on the witness to produce:

ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC DATA), AS REQUESTED IN THE ATTACHED

EXHIBIT "A"

and turn such records over to the Officer authorized to take this deposition so that inspection and photocopying of the same may be made and attached to said deposition.

Respectfully submitted:

  
**James Nathan "Nate" Richards**  
State Bar No. 24091810

Ferguson & Associates, LLC  
62 Main Street, Suite 310  
Colleyville, TX 76034  
Phone 817-778-4159 Fax 817-485-1117  
nate@fnalegal.com

Attorney for: Defendant,  
Anson Financial, Inc.

### Certificate of Service

I certify that a true and exact copy of the foregoing Notice of Intention To Take Deposition by Written Questions was provided to the respective parties or attorneys of record, pursuant to Rule (21a), by:

\_\_\_\_\_ Certified mail, postage prepaid

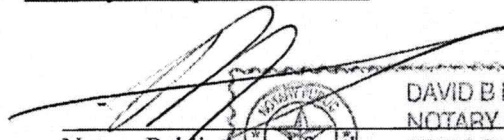
Date: 09/11/2018

\_\_\_\_\_ Hand delivery

X Telephonic document transfer

By: 

Sworn to and subscribe before me on this the 11<sup>th</sup> day of September, 2018.

  
Notary Public in and for the State of Texas  
DAVID B MARTIN  
NOTARY PUBLIC  
STATE OF TEXAS  
MY COMM. EXP. 10/17/18



## Subpoena Duces Tecum

The State of Texas

To any Sheriff, Constable, or other person authorized to serve and execute subpoenas as provided in Rule 176, Texas Rules of Civil Procedure. Greetings:

You are hereby commanded to subpoena and summon the following witness:

Custodian of CASE FILE Records for:  
**Gongloff Piechowiak Law, PLLC**  
1701 West Northwest Highway, Suite 100  
Grapevine, TX 76051

682-651-8158

to be and appear before a Notary Public with Discovery Records Inc., 1290 S. Main Suite 108 Grapevine, Texas 76051, 817-424-3672 fax 817-424-3692 or their designated agent, on or before twenty (20) days from the date of service hereof, at the office of the summoned witness, and there to give answers under oath to certain written questions being propounded, and to bring and produce for inspection and photocopying:

**ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC DATA), AS REQUESTED IN THE ATTACHED**

**EXHIBIT "A"**

Then and there to give evidence, at the instance of the Defendant in that certain Cause No. 342-288776-16 pending on the docket of the DISTRICT Court in the 342ND JUDICIAL DISTRICT of TARRANT County, Texas, styled:

FRAZIER ASSET MANAGEMENT, INC

VS.


ANSON FINANCIAL, INC.

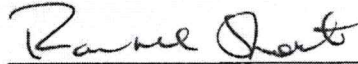
and there to remain from day to day and time to time until discharged according to law. This subpoena is issued under and by virtue of a notice duly served upon all parties according to law, and pursuant to Rule 509 (e) of the Texas Rules of Evidence.

**Rule 176.8 Enforcement of Subpoena.** (a) *Contempt.* Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

Witness my hand

This the 11th day of September 2018


 Rachel Short  
Notary Public, State of Texas  
My Commission Expires  
4-10-19

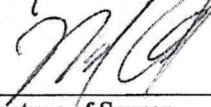
  
Signature of Issuing Officer, or a  
Notary Public for the State of Texas

Requested by:  
Nate Richards  
Attorney for Defendant  
State Bar No. 24091810

-----Officer's Return-----

Came to Hand this the 13<sup>th</sup> day of September, 2018 and executed by delivering a true copy hereof to the within  
named witness: Christy. Returned this 13<sup>th</sup> day of September, 2018.

 MARK SCARBROUGH  
NOTARY PUBLIC  
STATE OF TEXAS  
MY COMM. EXP. 10/23/19

  
Signature of Server

## Exhibit A

### **DEFINITIONS:**

The term "FAM" can reference Brian H. Frazier individually, Frazier Asset Management, Inc., B. Frazier Management, LLC, and B. Frazier Management, Inc.

### **REQUEST FOR PRODUCTION:**

1. The contract between Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC and the following:
  - a. Brian H. Frazier
  - b. Frazier Asset Management, Inc.
  - c. B. Frazier Management, LLC
  - d. B. Frazier Management, Inc.
  - e. 287 Alvord Joint Venture
2. The referral agreement between the attorney and/or law firm that referred the case to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC regarding FAM and/or the 287 Alvord Joint Venture.
3. The referral agreement between Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC and Caleb Moore regarding FAM and/or the 287 Alvord Joint Venture.
4. Kelly Gongloff's and/or Gongloff Piechowiak Law, PLLC's billing records regarding the following:
  - a. Brian H. Frazier
  - b. Frazier Asset Management, Inc.
  - c. B. Frazier Management, LLC
  - d. B. Frazier Management, Inc.
  - e. 287 Alvord Joint Venture
5. The referral fees paid to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC by Caleb Moore regarding FAM and/or the 287 Alvord Joint Venture.
6. The referral fees paid from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC to another attorney and/or law firm regarding FAM and/or the 287 Alvord Joint Venture.
7. Communications to or from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC regarding FAM and/or the 287 Alvord Joint Venture and the following:
  - a. Derek Hausheer
  - b. Ashleigh Renfro
  - c. Renfro Hausheer, PLLC
  - d. Ian Ghrist
  - e. Ghrist Law Firm, PLLC
  - f. DIA Servicing, LLC
8. Copies of payments from FAM and/or the 287 Alvord Joint Venture to Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC.
9. Copies of checks paying referral fees to or paying referral fees from Kelly Gongloff and/or Gongloff Piechowiak Law, PLLC related to FAM and/or the 287 Alvord Joint Venture.



# Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108  
Grapevine, Texas 76051  
Ph. 817-424-3672 • Fax 817-424-3692  
Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC.	§	IN THE DISTRICT COURT
	§	
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

## Direct Questions Propounded to the Witness, Custodian of CASE FILE Records for:

Gongloff Piechowiak Law, PLLC  
1701 West Northwest Highway, Suite 100  
Grapevine, TX 76051

1. Please state your full name, business address, telephone number, and title.

Answer: Kelly Gongloff, Attorney, 1701 W. NW Hwy #100 Grapevine TX 76051 (682) 651-8158

2. Did you receive a subpoena to appear and bring with you for inspection and photocopying:  
ANY AND ALL RECORDS, DOCUMENTS, AND TANGIBLE ITEMS (INCLUDING ELECTRONIC OR MAGNETIC  
DATA), AS REQUESTED IN THE ATTACHED

EXHIBIT "A"

Answer: Yes.

3. Have records in any form been made or caused to be made by Gongloff Piechowiak Law, PLLC?

Answer: Yes

4. Are you able to identify these records as the original or true and correct photostatic copies of the original?

Answer: Yes

5. Are these records under your care, supervision, direction, and custody or control; or at your access?

Answer: Yes

6. Were these records made and kept in the regular course of your business?

Answer: Yes

7. In the regular course of your business, did the person who signed or otherwise create these records have personal knowledge of the activity or event recorded in these records; or obtain the information to make the entries in these records from persons or sources who have such personal knowledge?

Answer: Yes

8. Were these records made at or near the time of the activity or event recorded on these records, or reasonably soon thereafter?

Answer: Yes

9. Please hand exact duplicates of all such records as outlined in the Subpoena Duces Tecum to the Officer taking your deposition, or the originals thereof for inspection and photocopying, so that they may be attached to this deposition. Have you done as requested?

Answer: Flash Drive provided as approved by Rachel Short

10. Have you been requested, or has it been suggested to you by any person (whether doctor, lawyer, patient or employee) that any part of the records subject to the subpoena be withheld or protected from discovery? If so, please provide the name, address and phone number of that person.

Answer: No

11. If you have not copied all of the records subject to this subpoena, please provide the name, address, phone number, department, or facility where these records can be located?

Answer: Check Deposit unavailable. See BBT.

[Signature]  
Witness, Custodian of Records

I, Lisa Hoffman, a Notary Public in and for the State of PA do hereby certify that the foregoing answers of the witness were made by the said witness and sworn to and subscribed before me.

Given under my hand and seal of office on this the 2 day of October, 2018.

Lisa M Hoffman  
Notary Public in and for  
The State of PA  
My Commission expires 9/11/22

Commonwealth of Pennsylvania-Notary Seal  
Lisa M. Hoffman, Notary Public  
Cambria County  
My commission expires September 11, 2022  
Commission number 1169468

# Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108  
Grapevine, Texas 76051  
Ph. 817-424-3672 • Fax 817-424-3692  
Toll Free 866-4MEDREC

Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT

## AFFIDAVIT

THE STATE OF Pennsylvania §  
COUNTY OF Cambria §

Re: **Brian H. Frazier**

BEFORE ME, the undersigned authority, personally appeared Kelly D. Gongloff,  
Who, being by me duly sworn, deposed as follows:

My name is Kelly D. Gongloff, I am of sound mind, capable of making this Affidavit, and  
personally acquainted with the facts herein stated:

I am the custodian of the records of Gongloff Piechowiak Law, PLLC.

\* 1 FLASH DRIVE / CD

Attached hereto are 10,000 pages of records from Gongloff Piechowiak Law, PLLC.

These said 10,000 pages of records are kept by Gongloff Piechowiak Law, PLLC in the regular course of business, and it was in  
the regular course of business of Gongloff Piechowiak Law, PLLC for an employee or representative of Gongloff Piechowiak  
Law, PLLC with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit  
information thereof to be included in such record; and the record was made at or near the time of reasonably soon thereafter. The  
records attached hereto are the original or exact duplicates of the original.

[Signature]  
AFFIANT

SWORN TO AND SUBSCRIBED before me on the 2 day of October, 2018.

[Signature]  
Notary Public Signature, State of PA

Lisa M Hoffman  
Notary Printed Name

My commission expires: 9/11/22

Discfile/187177

Commonwealth of Pennsylvania-Notary Seal  
Lisa M. Hoffman, Notary Public  
Cambria County  
My commission expires September 11, 2022  
Commission number 1169468



# Discovery Records, Inc.

www.discoveryrecordsinc.com

1290 S. Main Street, Suite 108  
Grapevine, Texas 76051  
Ph. 817-424-3672 Fax 817-424-3692  
Toll Free 866-4MEDREC

Thomas A. Wilder  
Tarrant District Clerk  
Tom Vandergriff Civil Courts Building  
100 North Calhoun, 5th Floor  
Fort Worth, TX 76196

## Cause No. 342-288776-16

FRAZIER ASSET MANAGEMENT, INC	§	IN THE DISTRICT COURT
	§	
VS	§	TARRANT COUNTY, TEXAS
	§	
ANSON FINANCIAL, INC.	§	342ND JUDICIAL DISTRICT
	§	

Re: Deposition by written questions propounded to the Witness:  
Custodian of ATTORNEY FILE Records for: Gongloff Piechowiak Law, PLLC

Pertaining to: Brian H. Frazier

The deposed witness was duly sworn in and the attached transcript is a true recording of the testimony given by the witness. The deposition was signed by the witness and submitted on 10/30/2018. Any changes made by the witness are incorporated and attached to the original. The original transcript and copies of all exhibits have been returned to the party who asked the first question for use at trial. A copy of this certification is being provided to all parties in accordance with TRCP Rule 203.3. The charges for preparing the original deposition are hereby submitted as taxable court costs, at the instance of the Defendant, by and through attorney of record: Nate Richards, Bar Number 24091810 and Total \$1,283.50.

cc: Caleb Moore, 2205 Martin Drive, Suite 200 Bedford, TX 76021

Fax 817-581-2540

I certify that a true and correct copy of the foregoing instrument was served and delivered to all parties of record.

Date: 10/30/2018

By: Rose m. K  
court filing@discoveryrecordsinc.com

DiscFile 187177

Notary Public in and for the State of Texas  
My commission expires: 10-17-2022

DAVID B MARTIN  
NOTARY PUBLIC  
STATE OF TEXAS  
NOTARY ID 191557-4